United Nations A/72/866

General Assembly

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Seventy-second session
Agenda item 19
Sustainable development

Letter dated 7 May 2018 from the Permanent Representative of Turkmenistan to the United Nations addressed to the Secretary General

I have the honour to transmit herewith the Avaza Declaration of the international forum "The Great Silk Road — towards the New Frontiers of Development", held in the Avaza national tourist area in Turkmenbashi, Turkmenistan, on 2 May 2018 (see annex).

I would be very grateful if you could circulate the present letter and its annex as a document of the General Assembly, under agenda item 19.

(*Signed*) Aksoltan **Ataeva**
Permanent Representative

18-08041 (E) 180518 210518

Please recycle

Annex to the letter dated 7 May 2018 from the Permanent Representative of Turkmenistan to the United Nations addressed to the Secretary-General

[Original: Russian]

Avaza Declaration of the international forum "The Great Silk Road — towards the New Frontiers of Development"

We, the participants in the international forum "The Great Silk Road — towards the New Frontiers of Development", held in the Avaza national tourist area, Turkmenistan, on 2 May 2018,

Reaffirming our commitment to achieving the Sustainable Development Goals as defined in the new 2030 Agenda for Sustainable Development, adopted on 25 September 2015 at the United Nations summit for the adoption of the post-2015 development agenda, in particular those goals that are directly relevant to the development of sustainable transport and ensuring its safety and accessibility, and to concern for the environment,

Recalling General Assembly resolution 69/213, entitled "The role of transport and transit corridors in ensuring international cooperation for sustainable development", adopted on 19 December 2014, resolution 70/197, entitled "Towards comprehensive cooperation among all modes of transport for promoting sustainable multimodal transit corridors", adopted on 22 December 2015, and resolution 72/212, entitled "Strengthening the links between all modes of transport to achieve the Sustainable Development Goals", adopted on 20 December 2017,

Recognizing the importance of high-level international events to support the development of transport and the stability of transit corridors at the international level, such as the High-level International Conference on the Role of Transit Transport Corridors in Ensuring International Cooperation, Stability and Sustainable Development, held on 3 and 4 September 2014, the Global Conference on Sustainable Transport held in Ashgabat on 26 and 27 November 2016, and the high-level international conference held in Geneva on 22 February 2017,

Recognizing the advantages of multimodal transport as a significant component in a balanced transport system, especially its efficiency in terms of energy and costs, lack of congestion and contribution to reducing transport and logistics costs,

Emphasizing also the role of inland water transport in the sustainable functioning of national transport and cross-border systems and its contribution to social and economic development, including landlocked developing countries,

Aware also that the objective of international transport strategy is now the creation of modern transport architecture designed to address the key tasks of the international community in the twenty-first century, in service to millions of people around the world, by preserving and developing the resources of the planet,

Appreciating the current work on the establishment of a sustainable transport system carried out at the United Nations by its Member States, including international projects to eliminate administrative barriers, rehabilitate and provide support for international corridors and ports, and reduce the environmental damage caused by exhaust emissions, and national transport strategies and projects to develop inland water transport infrastructure,

Conscious that the aforementioned challenges in the sector should also be addressed at the national, regional and global levels,

Considering the links between different modes of transport in the context of the development of multimodal transport,

Acknowledging the role of modern technologies, innovations, the "single window" principle and digitalization in ensuring navigation safety and better logistics integration,

Acknowledging the need to join forces to utilize the significant, still untapped, potential of the transport sector and thereby gain significant political support at the highest level,

Convinced that the outcome of this Forum should bring practical value in terms of safety, environmental aspects, logistics and benefits for the economy,

Hereby *endorse* the following objectives and actions and invite countries and all parties concerned to consider their implementation:

(a) To build up a regulatory framework that is intended to increase the efficiency of safe, environmentally sound and economically efficient transport by promoting an appropriate balance among all transport modes and thus using it as a significant contributor to national, regional and international development;

(b) To address the challenges of sustainable development of mobility by supporting intergovernmental multi-disciplinary cooperation in the field of transport and transport-related issues and by placing due emphasis on the importance of mobilizing resources and aligning financing flows with sustainable development objectives;

(c) To encourage investment in the sector aimed at building and modernizing the infrastructure of international routes and ports and fostering innovation and the principles that ensure resilience to climate change;

(d) To ensure an appropriate balance among all transport modes, streamlining cargo flows and promoting the development of multimodal transport;

(e) To take the necessary steps to raise the profile of historical transportation routes, in particular the Great Silk Road, as they offer additional opportunities to enhance the mobility of people, to satisfy their yearning to visit other countries and to communicate with people from other nations, which has a strong impact on the discovery of new tourist routes and the formation of personal contacts that contribute to peace and security.

The participants in the Forum express their appreciation to the Government of Turkmenistan for its hospitality and the excellent organization of the Forum.

Turkmenbashi, Avaza national tourist area

2 May 2018

United Nations A/72/867

General Assembly

Distr.: General
21 May 2018

Original: English

Seventy-second session
Agenda item 118
The United Nations Global Counter-Terrorism Strategy

Letter dated 9 May 2018 from the Permanent Representative of Turkmenistan to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a statement from the high-level meeting on the theme "Towards integrated implementation of the United Nations Global Counter-Terrorism Strategy in Central Asia", which was held on 30 April 2018 in Ashgabat (see annex).*

I would be grateful if you could kindly circulate the present letter and its annex as a document of the General Assembly, under agenda item 118.

(*Signed*) Aksoltan **Ataeva**
Permanent Representative

* The annex is being circulated in the languages of submission only.

18-08144 (E) 240518

Please recycle

Annex to the letter dated 9 May 2018 from the Permanent Representative of Turkmenistan to the United Nations addressed to the Secretary-General

[Original: English and Russian]

Statement from the high-level meeting "Towards integrated implementation of the United Nations Global Counter-Terrorism Strategy"

The third phase of a United Nations counter-terrorism project was launched on 30 April 2018 in Ashgabat, Turkmenistan, at a high-level meeting organized by the Foreign Ministry of Turkmenistan and the United Nations Regional Centre for Preventive Diplomacy for Central Asia, with the participation of Vladimir Voronkov, the Under-Secretary-General of the United Nations Office of Counter-Terrorism, senior representatives of the Central Asian States and the relevant regional United Nations bodies. The project is a continuation of the counter-terrorism efforts of the Central Asian States and raises cooperation between the United Nations and Governments of Central Asia to a new level.

The United Nations Regional Centre and the Counter-Terrorism Implementation Task Force, joined subsequently by the United Nations Counter-Terrorism Centre, have been implementing a regional project for the period from 2010 to 2018. The purpose of the project is to help the Central Asian States develop a regional plan of action to implement the four pillars of the United Nations Global Counter-Terrorism Strategy. Two phases of this initiative have already been completed. The first phase consisted of preparation and adoption of the Joint Plan of Action to Implement the United Nations Global Counter-Terrorism Strategy. This document, the first of its kind, was adopted in Ashgabat, Turkmenistan, in December 2011 after a year-long process of consultations with experts and policy-makers.

The second phase of the project was focused on support for implementing the Joint Plan of Action to strengthen the counter-terrorism capacity of the Central Asian States. Efforts were made to promote dialogue with religious groups and involve the media in counter-terrorism, in addition to efforts on border protection and management to combat terrorism, on the prevention of radicalization and on countering the financing of terrorism. Seminars were held in a number of Central Asian capitals. In addition, the project provided support for the preparation of a summary table of counter-terrorism activities conducted in Central Asia by regional and international organizations. Assistance was also provided for the creation of a dedicated web page in the English and Russian languages, which contains input on the Global Strategy and the Joint Plan of Action. This second phase was completed in June 2017.

The new phase of the joint regional counter-terrorism initiative of the United Nations Regional Centre and the United Nations Counter-Terrorism Centre, entitled "Towards integrated implementation of the United Nations Global Counter-Terrorism Strategy", provides for further strategic capacity-building for Central Asian States in the area of counter-terrorism and the prevention of violent extremism, the sharing of best practices in the region and worldwide, and the enhancement of regional cooperation, including with the relevant international and regional organizations.

The project will be focused on shared priority areas, as defined by the Central Asian States and the United Nations during the high-level dialogue on counter-terrorism that took place in Ashgabat in June 2017, chaired by the Secretary-General of the United Nations, António Guterres, and on the basis of recommendations

adopted during the fifth review of the United Nations Global Counter-Terrorism Strategy in June 2016.

The plan for the third phase of the project was approved at a meeting of Ministers and Deputy Ministers for Foreign Affairs of the Central Asian States, which took place in Ashgabat on 11 December 2017, on the tenth anniversary of the United Nations Regional Centre for Preventive Diplomacy for Central Asia.

The core project activities will include targeted support to develop national and regional strategies for counter-terrorism and the prevention of violent extremism, further capacity-building for Central Asian States in the priority areas defined in the Joint Plan of Action for Central Asia, and support for sharing experiences in the region and beyond.

In accordance with its mandate of regional and preventive diplomacy, the United Nations Regional Centre will jointly implement this initiative and support regional and cross-border cooperation in preventing violent extremism and combating terrorism in coordination with other international and regional partners active in this area in Central Asia.

At the present high-level meeting the participants confirmed their commitment to working with the United Nations to support implementation of the United Nations Global Counter-Terrorism Strategy and the Joint Plan of Action for Central Asia, including by completing the third phase of this unique regional project on counter-terrorism.

United Nations A/72/868

General Assembly

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21 May 2018

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Seventy-second session
Agenda item 72
Promotion and protection of human rights

Letter dated 4 May 2018 from the Permanent Representative of Uzbekistan to the United Nations addressed to the Secretary General

I have the honour to convey to you information on the measures taken by the Government of Uzbekistan to ensure the labour rights of citizens in accordance with national legislation and international labour standards (see annex).

I would appreciate it if you could circulate the present letter and its annex as a document of the General Assembly, under agenda item 72.

(*Signed*) Bakhtiyor **Ibragimov**
Ambassador
Permanent Representative

18-08159 (E) 230518 290518

Please recycle

Annex to the letter dated 4 May 2018 from the Permanent Representative of Uzbekistan to the United Nations addressed to the Secretary-General

[Original: Russian]

Information on the measures taken to ensure the guaranteed labour rights of citizens in accordance with the legislation of the Republic of Uzbekistan and international labour standards

Since independence, a foundation of standards and legislation established on the basis of the principles and norms of international law has strengthened guarantees of the protection of citizens' labour rights.

As a member of the International Labour Organization (ILO), Uzbekistan has ratified 14 ILO conventions, including Nos 29, 105, 138 and 182, which prohibit child labour and forced labour. Their provisions are reflected in the Constitution of the Republic of Uzbekistan, which enshrines the right of every person to employment, a free choice of occupation, fair working conditions, unemployment protection, and the prohibition of forced labour.

National legislation strictly prohibits child labour and forced labour, including coercion to work through the threat of any form of punishment, including as an instrument to maintain work discipline. Forced labour of any kind incurs administrative penalties.

Adhering scrupulously to its international obligations and reaffirming its determination to prohibit such phenomena as child labour and forced labour, Uzbekistan is open to constructive international cooperation in that connection.

Close dialogue between the Government of Uzbekistan and ILO has facilitated the development of organizational and legal structures in this field. Working with ILO, the Government has been methodically implementing the 2017–2020 Decent Work Country Programme. Steps are being taken to incorporate international labour standards, in stages, into national law and law-enforcement practice.

A Coordinating Council on child labour and forced labour has been established and is operating effectively. In order to develop cooperation with ILO and implement the principles of international labour law, a range of measures has been put in place, and a series of meetings, conferences, seminars and round tables has been organized.

Through the implementation of consistent measures, a number of positive results have been achieved in terms of adherence to international labour standards and norms. Child labour has been entirely eradicated; efforts are under way and operational mechanisms are being established to prohibit and reject forced labour. As a result of its achievements, Uzbekistan has not appeared on the list of States with serious shortcomings in adherence to the ILO conventions since 2014.

Despite the measures implemented, much remains to be done to make them integrated and consistent. The unsatisfactory level of activity by State and other entities to inform the international community and international organizations about the large-scale efforts undertaken in Uzbekistan to ensure the guaranteed labour rights of citizens has at times led to a view of the situation that lacks objectivity.

In addition, there is a considerable obstacle to the prevention and elimination of forced labour in the form of poor execution by State executive and administrative authorities at local level of information campaigns to cater for the needs of seasonal agricultural labour and other community work, and insufficiently organized efforts

and lack of knowledge of labour legislation on the part of leaders of organizations, entities and farming enterprises and dekhan farms.

Particular focus and a radically new approach are required in order to increase the level of mechanization in agriculture; to use new agricultural technology and apply contemporary sustainable development standards to cotton cultivation; to ensure forward-looking development and the adoption and use in agriculture and aquaculture of innovations, scientific advances and modern information and communications technology; to adopt and use effective methods of managing seasonal agricultural labour and material incentives for workers; and to improve the related vocational skills of managers.

The current situation and the need for greater parliamentary and public oversight have led to the establishment (in October 2017) of a Parliamentary Commission on ensuring the guaranteed labour rights of citizens. It consists of members of the Oliy Majlis Legislative Chamber and Senate, representatives of non-governmental non-profit organizations and civil society institutions, and has specific responsibilities connected with the guaranteed labour rights of citizens, in close cooperation with the Coordinating Council on child labour and forced labour.

The Parliamentary Commission has been charged with taking the following action to pursue full implementation of Uzbekistan's legislation and international agreements regarding the guaranteed labour rights of citizens, to strengthen measures to prevent and eliminate the risk of any form of child labour or forced labour, and to transmit to the wider international community reliable information on the current situation:

(a) Adopting a series of measures to ensure unconditional implementation of Uzbekistan's legislation to ensure the guaranteed labour rights of citizens, including legislation to prevent and prohibit the use of child labour or forced labour, as well taking the action provided for in the 2017–2020 Decent Work Country Programme;

(b) Establishing parliamentary and public oversight against violations of the guaranteed labour rights of citizens by State bodies, companies, institutions, entities and individuals;

(c) Using of all forms of parliamentary and public oversight in order to ensure the guaranteed labour rights of citizens, in accordance with Uzbekistan's legislation and international agreements;

(d) Taking joint action with State executive and administrative authorities at local level to increase the accountability of officials of State bodies and other entities for adherence to the labour rights of citizens, and for timely implementation of the programme for job creation and incorporation of the population into the workforce;

(e) Performing regular reviews of the effectiveness of action by leaders of State and economic authorities, local government bodies and other entities to implement national legislation and international agreements ensuring the guaranteed labour rights of citizens;

(f) Conducting local-level studies of problems and shortcomings connected with the implementation of legislation ensuring the guaranteed labour rights of citizens;

(g) Carrying out inventories of current legislation; developing specific proposals to improve legislation ensuring the guaranteed labour rights of citizens, by means including implementation and ratification of international labour standards;

(h) Undertaking wide-ranging local awareness-raising campaigns to ensure the sustainability of the gains made in ensuring the guaranteed labour rights of citizens.

Moreover, in the light of the importance of efforts at local level to ensure the guaranteed labour rights of citizens, and in compliance with recommendations made, the Joqarg'i Ken'es of the Republic of Karakalpakstan and the regional and Tashkent city *kengashi* of people's deputies have established local commissions for that purpose.

A series of measures has been adopted in order to ensure the guaranteed labour rights of citizens in accordance with national legislation and international labour standards.

The Government of Uzbekistan has been charged with taking concerted action to achieve the following:

(a) Adoption of market mechanisms, innovation, scientific advances and modern information and communications technology. The aim is to make agriculture more efficient and profitable and increase mechanization through measures including more machine-harvesting of cotton. Such measures will also apply to seasonal agricultural activity;

(b) Improving the use of existing and new agricultural technology; developing the selection of cotton varieties suited to mechanized harvesting and deriving maximum benefits from mechanization;

(c) Modernization of existing capabilities in agriculture, in order to improve the competitiveness of agricultural output;

(d) Devising strategies for the development of Uzbekistan's agriculture, taking into account the changes in and diversification of the agricultural sector and agricultural output, in order to elicit direct investment, foreign credit and technical cooperation resources;

(e) Developing a variety of economic incentives for seasonal workers and establishing proposals for improved labour relations in that connection.

Meanwhile, non-governmental non-profit organizations and other civil society institutions have been urged to take the following recommended action:

(a) Intensify efforts to adopt public oversight of compliance with international law and national legislation ensuring the guaranteed labour rights of citizens by State executive and administrative authorities at local level, and by companies, entities, institutions and farming enterprises;

(b) Conduct a wide-ranging public awareness-raising campaign and adopt mechanisms to gather public feedback; adopt operational measures to exert peer pressure against individuals involved in violations of labour law and propose to the competent authorities ways to hold such individuals to account.

The Office of the Public Prosecutor of Uzbekistan will strictly monitor the implementation of national legislation ensuring the guaranteed labour rights of citizens, including legislation to prevent and prohibit the use of any form of child labour, paying particular attention to adherence to existing norms and legislation during seasonal agricultural and other community work.

Information on the activities of the Parliamentary Commission is disseminated widely in the media.

United Nations A/72/869–S/2018/453

General Assembly
Security Council

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22 May 2018

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General Assembly
Seventy-second session
Agenda item 65
Peacebuilding and sustaining peace

Security Council
Seventy-third year

Letter dated 11 May 2018 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

I have the honour to enclose herewith a letter dated 10 May 2018 from the Minister for Foreign Affairs of the Islamic Republic of Iran, M. Javad Zarif, regarding the unilateral and unlawful decision of the United States to withdraw from the Joint Comprehensive Plan of Action (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda item 65, and of the Security Council.

(*Signed*) Gholamali **Khoshroo**
Permanent Representative of the Islamic Republic of Iran

18-08213 (E) 240518

Please recycle

Annex to the letter dated 11 May 2018 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

As you are aware, on 8 May 2018, the President of the United States announced his unilateral and unlawful decision to withdraw from the Joint Comprehensive Plan of Action (JCPOA), in material breach of Security Council resolution 2231 (2015), to which the JCPOA is annexed. Simultaneously, he signed a presidential memorandum instructing relevant US authorities "to cease the participation of the United States in the JCPOA" and "to reimpose all United States sanctions lifted or waived in connection with the JCPOA", thus committing multiple cases of "significant non-performance" with the JCPOA, and in clear non-compliance with Security Council resolution 2231 (2015). These acts constitute a complete disregard for international law and the Charter of the United Nations, undermine the principle of the peaceful settlement of disputes, endanger multilateralism and its institutions, indicate a regress to the failed and disastrous era of unilateralism, and encourage intransigence and illegality.

Unlike the Islamic Republic of Iran, which has scrupulously fulfilled its undertakings under the JCPOA, as repeatedly and consistently verified by the International Atomic Energy Agency (IAEA), the United States has consistently failed — since "implementation day", and particularly after the assumption of office by President Trump — to abide by its commitments under the JCPOA. I have brought the most significant cases of US non-performance to the attention of the Joint Commission, inter alia, through 12 official letters to the High Representative of the European Union for Foreign Affairs and Security Policy, in her capacity as Coordinator of the JCPOA Joint Commission.

In my letter of 2 September 2016, I registered Iran's complaints about US failures to perform its obligations eight months after "implementation day" by not issuing the necessary licences for the sale or lease of passenger aircraft, by hindering Iran's free access to its assets abroad, by obstructing re-engagement of the non-American banking and financial community with Iran and by the reintroduction of certain sanctions under Executive Order 13645, which was supposed to be terminated in its totality. That letter also referred to the failure of the US President to use his constitutional authority to prevent "the US Visa Waiver Program Improvement and Terrorist Travel Prevention Act of 2015" from violating US obligations under the JCPOA.

In my letter of 17 November 2016, I underlined the necessity of the use of the US President's constitutional authority to prevent the coming into force of the "Iran Sanctions Extension Act", which constituted the reimposition of the sanctions lifted under the JCPOA, which is clearly prohibited by the JCPOA. The same letter underlined that "Iran has hitherto exercised enormous restraint in the face of lackluster implementation of JCPOA by some participants, in particular the United States, especially with regard to banking and financial services as well as persistent public and private harassment of Iran's business partners by various US institutions, agencies and instrumentalities."

Subsequently, in my letter of 16 December 2016, I informed the JCPOA Joint Commission that, as a result of the extension of the "Iran Sanctions Act" (ISA) on 14 December 2016, "the United States committed a significant breach of its obligations under the JCPOA by reintroducing the sanctions under ISA."

In my letter of 28 March 2017, I protested to the Joint Commission that, "Since the assumption of office by the new US administration, what used to be 'lackluster' implementation of the JCPOA by the previous administration has now turned into

total and open hostility towards the deal, threatening to render the entire bargain meaningless, unbalanced and unsustainable." The letter underlined that the Trump administration had "maliciously intended to prevent normalization of trade with Iran and to deprive Iran from the economic dividends clearly envisaged in the JCPOA, by ensuring continued — and even exacerbated — uncertainty about the future of economic relations and cooperation with Iran", inter alia, through the illegal "review process" and by "the pattern of provocative statements against the JCPOA by senior US administration officials".

In my letter of 28 May 2017, I brought several instances to the attention of the Joint Commission illustrating that, even when the United States purported to comply by renewing the required waivers, "it aimed to reverse Iran's benefit from the JCPOA ... and to 'call into question the US's long-term support for the nuclear accord' in order to increase uncertainty and dissuade engagement with Iran".

In my letter of 19 July 2017, I produced conclusive evidence which corroborated that the United States was following a systematic policy aimed at dissuading Iran's economic partners from engaging with Iran in clear contradiction of US commitments under the JCPOA, in particular paragraphs 28 and 29. In this respect, I referred to an official statement by the White House Principal Deputy Press Secretary in which she officially acknowledged through a 'public statement' that President Trump, "in his discussions with more than half a dozen foreign leaders ... underscored the need ... to stop doing business with ... Iran".

In my letter of 13 August 2017, I warned the Joint Commission that the United States was destroying the 'atmosphere' needed for the 'successful implementation' of the JCPOA in an exhibition of bad faith. Specifically, I referred to President Trump's rhetoric and his administration's distortions — in blatant violation of the letter, spirit and intent of the JCPOA — in order to allege non-compliance by Iran in spite of repeated verifications by the IAEA.

In my letter of 19 August 2017, I provided one example of how the United States sought to affect the professional work of the IAEA. While objecting to the US Permanent Representative's travel to Vienna "to discuss the US Government's concerns about the Iran nuclear deal with the International Atomic Energy Agency" and to "press IAEA on Iran deal compliance", I insisted that the publicly stated purpose of such visits raises several serious concerns over further violations of the letter and spirit of the JCPOA and Security Council resolution 2231 (2015), which could also undermine the credibility of the Agency — vital to the non-proliferation regime in general, and the JCPOA in particular.

In my letter of 18 September 2017, I informed the Joint Commission that the United States Government was manufacturing fabricated excuses either to get out of the JCPOA outright or to make it impossible and irrational for Iran to continue its good faith, patient and scrupulous adherence with the agreement. Several facts at that time were indicating that the US was concocting "decertification" of Iran's compliance, in spite of all IAEA reports and US State Department repeated admissions. I underlined in that letter that the US administration cannot hide behind such domestic procedure that it is maliciously initiating itself, and will have to bear full responsibility for the aftermath in Congress. I indicated that, "while the Islamic Republic of Iran has a clear preference for the survival and continued scrupulous implementation of the JCPOA, and while it has proven its good faith and exercised maximum restraint in the face of continued and persistent US violations and intransigence, the renowned patience of Iranian people is not limitless, and the options of the Iranian Government are not limited".

In my letter of 16 October 2017, referring to the unlawful decertification within a US domestic procedure on 13 October 2017, I underscored that the United States

was actively seeking to deprive Iran of enjoying the benefits of American sanction-lifting obligations under the JCPOA. As such, they constituted a grave breach of the very letter and substance of paragraphs 26, 28 and 29 of the JCPOA. In the same letter, I reiterated that the Islamic Republic of Iran will never accept illegal demands and expects other JCPOA participants to do likewise.

In my letter of 1 February 2018, I officially objected to the ultimatum by President Trump on 12 January 2018, demanding that other JCPOA participants follow him in unlawfully altering the terms of the agreement. I urged other JCPOA participants to remain cognizant of their shared responsibility to safeguard the agreement by holding the United States accountable for its reckless and unlawful actions, and refraining from any statement or action that may be interpreted as conceding or acquiescing to US attempts to alter, amend or otherwise undermine the JCPOA.

In my letter dated today, I specified measures that need to be taken through the Joint Commission to address the wrongful acts by the United States against Iran and international law, including its unlawful withdrawal from the accord and the reimposition of sanctions.

As you have seen from these correspondences, the United States had been persistently violating the terms of the agreement almost from its inception, even preventing other JCPOA participants from fully performing their obligations. Those violations included systematic failures, late, lackluster, defective, superficial and ineffective nominal implementation, undue delays, new sanctions and designations, derogatory anti-JCPOA statements by senior officials — in particular the President himself — refusal to issue any Office of Foreign Assets Control licences in the past 16 months, as well as concerted efforts by the US Government's agencies and instrumentalities to actively dissuade businesses from engagement with Iran.

The unlawful US act of unwarranted withdrawal from the JCPOA renders it responsible for the most blatant material breach of its obligations under the agreement. The US has also flagrantly violated Security Council resolution 2231 (2015), which was sponsored, inter alia, by the United States itself and adopted unanimously by the Council. The United States must, therefore, be held accountable for the consequences of its reckless and wrongful act, which flies in the face of the United Nations Charter and international law.

The prolonged and multiple cases of significant non-performance by the US over the last three years — particularly in the last 16 months — its active obstruction of performance by other JCPOA participants, its bad faith nominal implementation, and its unlawful and unwarranted cessation of implementation of its commitments under the JCPOA and the official reimposition of unlawful sanctions have caused irreparable harm to Iran and its international business relations. The United States should be held responsible for these damages, and the Iranian nation must be compensated.

The JCPOA is a multi-party agreement based on reciprocity. Its scope, provisions and time frames are based on a delicate, negotiated and multilaterally accepted balance that cannot be widened, altered or renegotiated. Its benefits to the Iranian people cannot be subjected to any conditionality other than those nuclear-related voluntary measures specifically stipulated solely in the JCPOA and its annexes. Some of the most significant economic benefits to Iran from the JCPOA derive from the sanctions-lifting obligation of the United States. If the JCPOA is to survive, the remaining JCPOA participants and the international community need to fully ensure that Iran is compensated unconditionally through appropriate national, regional and global measures.

The Islamic Republic of Iran has been in full compliance with its commitments under the JCPOA. This fact has been repeatedly verified by the IAEA, as reflected in its Director-General's reports to the IAEA Board of Governors and the United Nations Security Council since "implementation day" in January of 2016. In line with Iran's commitment to legality and the peaceful resolution of international disputes, the Islamic Republic of Iran has decided to resort to the JCPOA mechanism in good faith to find solutions in order to rectify the United States' multiple cases of significant non-performance and its unlawful withdrawal, and to determine whether and how the remaining JCPOA participants and other economic partners can ensure the full benefits that the Iranian people are entitled to derive from this global diplomatic achievement. If, after the exhaustion of available remedies, our people's rights and benefits are not fully compensated, it is Iran's unquestionable right — recognized also under the JCPOA and Security Council resolution 2231 (2015) — to take appropriate action in response to persistent, numerous unlawful acts by the US, particularly its withdrawal and reimposition of all sanctions.

I urge the United Nations to keep the United States accountable for its unilateral and irresponsible conduct, which will detrimentally affect the rule of law, multilateralism and the very foundations of diplomacy.

(*Signed*) M. Javad **Zarif**

United Nations A/72/870

General Assembly

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4 May 2018

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Seventy-second session
Agenda item 113 (b)
Elections to fill vacancies in principal organs: election of eighteen members of the Economic and Social Council

Letter dated 3 May 2018 from the Permanent Representative of Italy to the United Nations addressed to the President of the General Assembly

I wish to inform you, in my capacity as Chair of the Group of Western European and other States for the month of May 2018, that, in accordance with the rotation scheme in place within the Group, Spain will relinquish its seat on the Economic and Social Council at the end of 2018 in favour of the Republic of Malta.

(*Signed*) Sebastiano **Cardi**
Ambassador
Permanent Representative

18-08220 (E) 290518

Please recycle

United Nations A/72/871

General Assembly

Distr.: General
22 May 2018
English
Original: Arabic

Seventy-second session
Agenda item 77 (a)
Oceans and the law of the sea

Note verbale dated 9 May 2018 from the Permanent Mission of Kuwait to the United Nations addressed to the Secretary-General

The Permanent Mission of Kuwait to the United Nations presents its compliments to the Secretary-General, and has the honour to refer to the note dated 21 December 2017 from the Permanent Mission of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General (No. 3577) regarding Decree No. 317 (2014) concerning the delimitation of the maritime zones of Kuwait and the amendment thereto published in Law of the Sea Bulletin No. 89.

First, the State of Kuwait would like to emphasize that Decree No. 317 (2014) concerning the delimitation of the maritime zones of Kuwait is consistent with the 1982 United Nations Convention on the Law of the Sea. In accordance with article 38 of the 1969 Vienna Convention on the Law of Treaties and the ruling of the International Court of Justice that the understanding of exclusive international economic zones provided for in the 1982 United Nations Convention on the Law of the Sea is to be treated as a customary rule of international law, the provisions of the 1982 United Nations Convention on the Law of the Sea are binding on all States. Therefore, the action taken by Kuwait in this regard has a basis in both international treaty law and customary international law.

In addition, bilateral negotiations between Kuwait and the Islamic Republic of Iran have been unable to reach a final agreement on the delimitation of the two countries' respective economic zones and continental shelves. The only thing that the two parties have been able to agree on is that the delimitation of borders should be in accordance with international law.

In keeping with its desire to reach a final and binding delimitation between the two sides, the State of Kuwait continues to stand ready to refer its maritime border dispute, by mutual agreement, to the International Court of Justice, the International Tribunal for the Law of the Sea, arbitration, or any mechanism agreed upon by the two parties in accordance with international law.

In the meantime, the State of Kuwait stresses that the borders set forth in Decree No. 317 (2014) shall remain in force in the absence of an agreement on the settlement of this dispute.

The Permanent Mission of Kuwait to the United Nations would be grateful if you could have this note verbale circulated as a document of the General Assembly, under agenda item 77 (a), and published in the next Law of the Sea Bulletin.

18-08221 (E) 240518 250518

Please recycle

United Nations A/72/872–S/2018/487

General Assembly
Security Council

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General Assembly
Seventy-second session
Agenda item 113 (c)
Elections to fill vacancies in principal organs: election of five members of the International Court of Justice

Security Council
Seventy-third year

Election of a member of the International Court of Justice

Memorandum by the Secretary-General

I. Introduction

1. By a letter dated 6 February 2018, a copy of which was forwarded to the attention of the Secretary-General under the cover of a letter of 6 February 2018 from the President of the International Court of Justice, Judge Hisashi Owada (Japan) informed the President of the Court, pursuant to Article 13, paragraph 4, of the Statute of the Court, of his resignation as a member of the Court, effective 7 June 2018. Therefore, a vacancy in the Court will occur on 7 June 2018, to be filled by election in accordance with the provisions of the Statute of the Court.

2. According to Article 14 of the Statute of the Court, the vacancy shall be filled by the same method as that laid down for the regular election, and the Secretary-General shall, within one month of the occurrence of the vacancy, issue the invitations for nominations provided for in Article 5 of the Statute. According to Article 5, paragraph 1, of the Statute, the invitations for nominations shall be made at least three months before the date of the election, which, pursuant to Article 14, shall be fixed by the Security Council.

3. By a note dated 19 February 2018 addressed to the Security Council (S/2018/133), the Secretary-General informed the Council of the resignation of Judge Owada and drew its attention to Article 14 of the Statute of the Court with regard to the fixing of the date of the election. Pursuant to that Article, the Council decided, by its resolution 2403 (2018), adopted on 28 February 2018, that the election to fill the vacancy would take place on 22 June 2018 at a meeting of the Council and at a meeting of the General Assembly at its seventy-second session.

4. Pursuant to Article 5, paragraph 1, of the Statute of the Court, the Under-Secretary-General for Legal Affairs and United Nations Legal Counsel, in communications dated 23 February 2018 and on behalf of the Secretary-General, invited the national groups of States parties to the Statute to undertake the nomination of persons in a position to accept the duties of a member of the Court. The Legal

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Counsel further requested that nominations be received no later than 16 May 2018. The list of nominations received by that date and the curriculum vitae of the candidate are transmitted in separate notes by the Secretary-General, issued as documents of the General Assembly and the Security Council (A/72/873-S/2018/488 and A/72/874-S/2018/489, respectively). The name of the candidate will thus appear on the ballot papers to be distributed during the election in both organs.

5. The resigning Judge Owada has been a member of the Court since 6 February 2003. Judge Owada was re-elected as from 6 February 2012 and served as President of the Court from 6 February 2009 to 5 February 2012. His current term of office would have expired on 5 February 2021.

6. Article 15 of the Statute of the Court provides that a member of the Court elected to replace a member whose term of office has not expired shall hold office for the remainder of the predecessor's term. Thus, the newly elected member would serve until 5 February 2021. The term of the newly elected judge will commence on the date on which the individual is elected by the General Assembly and the Security Council.

II. Composition of the International Court of Justice

7. The present composition of the International Court of Justice is as follows:

President:
Abdulqawi Ahmed Yusuf (Somalia)***

Vice-President:
Xue Hanqin (China)*

Judges:
Hisashi Owada (Japan)****
Peter Tomka (Slovakia)*
Ronny Abraham (France)***
Mohamed Bennouna (Morocco)**
Antônio Augusto Cançado Trindade (Brazil)***
Joan E. Donoghue (United States of America)**
Giorgio Gaja (Italy)*
Julia Sebutinde (Uganda)*
Dalveer Bhandari (India)***
Patrick Lipton Robinson (Jamaica)**
James Richard Crawford (Australia)**
Kirill Gevorgian (Russian Federation)**
Nawaf Salam (Lebanon)***

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* Term of office expires on 5 February 2021.

** Term of office expires on 5 February 2024.

*** Term of office expires on 5 February 2027.

**** Term of office would have expired on 5 February 2021.

III. Procedure in the General Assembly and in the Security Council

8. The election will take place in accordance with the following provisions, as applied to the present situation when only one candidate has been nominated:

(a) The Statute of the Court, in particular Articles 2 to 4, 7 to 10 and 14;

(b) Rules 150 and 151 of the rules of procedure of the General Assembly;

(c) Rules 40 and 61 of the provisional rules of procedure of the Security Council.

9. On the date of the election, the General Assembly and the Security Council will proceed, independently of one another, to elect one member of the Court to fill the vacancy (Art. 8 of the Statute).

10. According to Article 2 of the Statute of the Court, members of the Court are to be elected, regardless of their nationality, from among persons of high moral character, who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law. Article 9 requires electors to bear in mind not only that the person to be elected should individually possess the qualifications required, but also that, in the body as a whole, the representation of the main forms of civilization and of the principal legal systems of the world should be assured.

11. To be elected, the candidate must obtain an absolute majority of votes both in the General Assembly and in the Security Council (Art. 10, para. 1, of the Statute).

12. The consistent practice of the United Nations has been to interpret the words "absolute majority" as meaning a majority of all electors, whether or not they vote or are allowed to vote. The electors in the General Assembly are all 193 Member States. Accordingly, as at the date of the present memorandum, 97 votes constituted an absolute majority in the Assembly for the purpose of the present election.

13. In the Security Council, eight votes constitute an absolute majority and no distinction is made between permanent and non-permanent members of the Council (Art. 10, para. 2, of the Statute).

14. For the present election, only the one candidate whose name appears in document A/72/873-S/2018/488 is eligible. Therefore, only that name will appear on the ballot paper. The electors in the General Assembly and in the Security Council shall indicate if they wish to vote for the candidate by placing a cross against the name on the ballot paper. In accordance with Articles 5 and 7 of the Statute, no additional candidates may be nominated on the day of the elections.

15. At the 915th plenary meeting of the General Assembly, on 16 November 1960, a procedural discussion took place as to whether rule 94 (then rule 96) of the rules of procedure of the Assembly should be applied in elections to the International Court of Justice. That rule lays down a procedure for restricted ballots in the event that, after the first ballot, the requisite number of candidates have not obtained the required majority. The Assembly decided that the rule did not apply to elections to the Court and proceeded to elect the requisite number of candidates by a series of unrestricted ballots. That decision has been followed consistently.

16. Accordingly, if, in the first ballot in either the General Assembly or the Security Council, the candidate does not receive an absolute majority, a second ballot will be held and balloting will continue in the same meeting until the candidate has obtained the absolute majority (rule 151 of the rules of procedure of the Assembly and rule 61 of the provisional rules of procedure of the Council).

17. When a candidate has obtained the absolute majority in one of the organs, the President of that organ will notify the President of the other organ accordingly. Such notification will not be communicated by the President of the second organ to its members until the candidate receives the absolute majority of votes in that second organ.

18. Upon the exchange of notifications between the two organs informing each other that the candidate has received the absolute majority in both the General Assembly and the Security Council, each organ will announce that the candidate has been elected.

19. The first meeting held for the purpose of the election, as referred to in Article 11 of the Statute of the Court, will be adjourned upon the exchange of notifications and the announcement of the results in both organs. Taking into account the specific circumstances of the present situation, in which only one candidate has been nominated for election, it is expected that only one meeting within the meaning of Article 11 will be held.

United Nations A/72/873–S/2018/488

General Assembly
Security Council

Distr.: General
22 May 2018

Original: English

General Assembly
Seventy-second session
Agenda item 113 (c)
Elections to fill vacancies in principal organs: election of five members of the International Court of Justice

Security Council
Seventy-third year

Election of a member of the International Court of Justice: list of nominations by national groups

Note by the Secretary-General

1. By a communication dated 23 February 2018 addressed by the Under-Secretary-General for Legal Affairs and United Nations Legal Counsel on behalf of the Secretary-General to the national groups of the States parties to the Statute of the International Court of Justice, attention was drawn to the vacancy in the Court caused by the resignation of Judge Hisashi Owada (Japan), effective 7 June 2018.

2. In conformity with the provisions of the Statute of the Court, the General Assembly and the Security Council, during the seventy-second session of the Assembly, will elect a judge to serve for the remainder of Judge Owada's term of office, until 5 February 2021. In accordance with Article 5, paragraph 1, of the Statute of the Court, national groups were thus invited to undertake the nomination of persons in a position to accept the duties of a member of the Court and to submit such nominations no later than 16 May 2018.

3. In accordance with Article 7 of the Statute of the Court, the Secretary-General has the honour to submit to the General Assembly and to the Security Council, the name of the candidate nominated by the national groups (see annex).

4. The composition of the Court and the voting procedure to be followed in the General Assembly and in the Security Council are set out in a memorandum by the Secretary-General (A/72/872-S/2018/487). The curriculum vitae of the candidate is reproduced in a note by the Secretary-General (A/72/874-S/2018/489).

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Annex

Nominations of a candidate by national groups

Name and nationality	*Nominated by the national group of*
Iwasawa, Yuji (Japan)	Argentina
	Australia
	Austria
	Bolivia (Plurinational State of)
	Chile
	China
	Colombia
	Czechia
	Estonia
	Finland
	France
	Greece
	Guatemala
	Hungary
	Ireland
	Italy
	Japan
	Jordan
	Lao People's Democratic Republic
	Latvia
	Lithuania
	Luxembourg
	Malta
	Mexico
	Morocco
	New Zealand
	Peru
	Philippines
	Portugal

Name and nationality	*Nominated by the national group of*
	Romania
	Russian Federation
	Serbia
	Singapore
	Slovakia
	Spain
	Sri Lanka
	Sweden
	Thailand
	United Kingdom of Great Britain and Northern Ireland
	United States of America
	Uruguay
	Viet Nam

United Nations A/72/874–S/2018/489

General Assembly
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General Assembly
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Agenda item 113 (c)
Elections to fill vacancies in principal organs: election of five members of the International Court of Justice

Security Council
Seventy-third year

Election of a member of the International Court of Justice: curriculum vitae of the candidate

Note by the Secretary-General

1. The Secretary-General has the honour to submit to the General Assembly and to the Security Council the curriculum vitae of the candidate nominated by the national groups for the election to fill a vacancy in the International Court of Justice caused by the resignation of Judge Hisashi Owada (Japan) (see annex). The list of nominations is contained in a note by the Secretary-General (A/72/873-S/2018/488). The composition of the Court and the voting procedure to be followed in the Assembly and in the Council are set out in a memorandum by the Secretary-General (A/72/872-S/2018/487).

2. The name and nationality of the candidate are as follows:

Yuji Iwasawa (Japan)

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Annex

Curriculum vitae*

Yuji Iwasawa (Japan)

[Original: English, French and Spanish]

Personal

Date of Birth: 4 June 1954

Education

1973–1977	University of Tokyo, Faculty of Law; Tokyo, Japan (LL.B., 1977)
1977–1978	Harvard Law School; Massachusetts, U.S.A. (LL.M., 1978)
1984–1986	University of Virginia, School of Law; Virginia, U.S.A. (S.J.D., 1997)

Profession

1977–1981	Research Associate, Faculty of Law, University of Tokyo
1982–1996	Associate Professor, Faculty of Law, Osaka City University
1996–1997	Associate Professor, Department of International Relations, University of Tokyo
1997–2005	Professor, Department of International Relations, University of Tokyo
2005–present	Professor of International Law, Faculty of Law, University of Tokyo

Professional Positions (Selected)

Currently:

Chairperson, Human Rights Committee (ICCPR), since 2017 (Member, since 2007; Chairperson, 2009–2011; Vice-Chairperson, 2011–2013, 2015–2017; Special Rapporteur on Follow-Up to Views, 2013–2015)

President, Japanese Society of International Law, since 2016 (Director of Research Planning, 2014–2016; Director for International Programmes, 2012–2014)

Vice-Chair, International Law Association, London, since 2016

Associé, Institut de droit international, since 2015

Enlisted on the Indicative List of Governmental and Non-Governmental Panellists in the World Trade Organization, since 1996

Enlisted on the Dispute Settlement Roster under the Energy Charter, since 2002

Member, Science Council of Japan, since 2011

Editor-in-Chief, International Law Documents (in Japanese) published annually by Yuhikaku, since 2014

* Curricula vitae are issued without formal editing.

General Editor, "International Law from Japanese Perspectives" Series published by Martinus Nijhoff, since 2001

Co-Editor-in-Chief, Tokyo Review of International Law (in Japanese), since 2013

Editor, Journal of International Economic Law, since 1997

Editor, Chinese Journal of International Law, since 2002

Editor, The Indian Journal of International Economic Law, since 2006

Editor, Journal of Human Rights and the Environment, since 2012

Editor, Revue trimestrielle de droit commercial international, since 2015

Formerly:

Judge, Asian Development Bank Administrative Tribunal, Manila, 2004–2013 (Vice-President, 2010–2013)

Lecturer, Hague Academy of International Law, "Domestic Application of International Law", 2002

Member, United Nations Permanent Forum on Indigenous Issues, 2002–2004

Member, Permanent Group of Experts (WTO Agreement on Subsidies and Countervailing Duties), 2003–2008

Arbitrator, Court of Arbitration for Sport, Lausanne, 1997–2006

Rapporteur, Committee on International Human Rights Law and Practice, International Law Association, 1995–2004

Organizer and Coordinator, Four International Law Societies (Japan, Australia-New Zealand, Canada, U.S.) Conferences: Wellington (2006), Alberta (2008), Kobe (2010), Berkeley (2012), and Canberra (2014)

Coordinator and Editor, Trilateral International Law Societies (Japan, Canada, U.S.) Conferences: Tokyo (1994), Atlanta (1996), and Ottawa (2000)

Refugee Examination Counsellor for the Japanese Minister of Justice, 2005–2007

Visiting Fellow, Lauterpacht Centre for International Law, Cambridge, 1991–1993, 1997, 2000–2001

Overseas Fellow, Churchill College, Cambridge, 2000–2001

Visiting Professor, Columbia Law School, New York, 2014

Chercheur invité, Centre de recherche sur les droits de l'homme et le droit humanitaire, Université Panthéon Assas, Paris, 2015–2016

Chair of international business law to give the Eldon D. Foote Lecture, University of Alberta, Edmonton, Canada, 1997

Specialization and Research Interests

Specialization:	Public International Law
Research Interests:	Relation between International Law and National Law; International Dispute Resolution; International Human Rights Law; International Economic Law; Jurisdictional Immunities; State Responsibility

Professional Memberships

Japanese Society of International Law (President; Member of the Executive Council; former Director for Research Planning; former Director for International Programmes)

International Law Association (Vice-Chair; Member and former Rapporteur of the Committee on International Human Rights Law and Practice; Member of the Study Group on the Principles on the Engagement of Domestic Courts with International Law; former Member of the Committee on the Future of the ILA; former Member of the International Trade Law Committee)

Japan Branch of the International Law Association (Member of the Executive Council; Member of the National Committee on International Monetary Law; former Director of Planning)

Japan Chapter of the Asian Society of International Law (Member of the Executive Council)

Japanese Society of International Human Rights Law (Member of the Executive Council)

Japanese Society of International Economic Law (Member of the Executive Council; former Director of Planning)

Japanese Society of World Law (Member of the Executive Council)

Japan Association of Gender and Law

American Society of International Law (Member of the Human Rights Interest Group; Member of the International Economic Law Interest Group; Member of the International Law & Domestic Courts Interest Group)

Professional Activities (Selected)

Gave lectures at a number of universities and institutes: e.g., Athens, Cambridge, Columbia, Duke, Edmonton, Frankfurt, Hong Kong, Luxembourg, Nagoya, Oxford, Paris, Saarbrücken, Tsukuba, Virginia, and Waseda.

Read papers in a number of international conferences and meetings in, e.g., Bern, Bielefeld, Cambridge, Canberra, Hong Kong, Kyoto, London, Lyon, New York, Rome, Siena, Singapore, Taipei, The Hague, Tokyo, Turku, Vancouver, Washington, D.C., and Wellington.

16th Mineichiro Adachi Memorial Prize, October 1983

Member, Research Group on Legal Questions Involving Multinational Corporations, National Institute for Research Advancement, 1983–1995

Presented a paper at a semi-annual meeting of the Japanese Society of International Law, October 1987

Presented a paper at the Third Bielefeld Conference on International Economic Law organized by the University of Bielefeld, in Bielefeld, Germany, November 1990 & June 1991

Member, Research Group on GATT Dispute Settlement Cases, Fair Trade Center, 1990–1991

Member, Research Group on International Finance and Trade Law, Foundation Trust 90, 1991–1997

Visiting Fellow, Research Centre for International Law, Cambridge, October 1991–September 1993

Presented a paper at the Research Centre for International Law, Cambridge, February 1992

Presented a paper at an international conference on International Human Rights Law organized by the University of Siena, in Siena, Italy, June 1993

Presented a paper at the annual meeting of the Society of Public Teachers of Law in London, September 1993

Presented a paper at the First Trilateral Symposium, Tokyo, and a co-editor of the Proceedings, July 1994

Member, Research Group on Dispute Settlement, Fair Trade Center, 1994–1995, 1996–1997

Member of the Executive Council, Japanese Society of International Law, 1994–2012

Member, Planning Committee, Japanese Society of International Law, 1994–1997

Presented a paper at the annual meeting of the Japanese Society of International Economic Law, November 1994

Presented a paper at an international symposium on the World Trade Organization and the Role of Japan organized by the Fair Trade Center, in Tokyo, April 1995

Rapporteur, Committee on International Human Rights Law and Practice, International Law Association, 1995–2004

Presented a paper at an international conference on Implementing the Uruguay Round organized by the University of Bielefeld, in Bielefeld, Germany, June 1995

Presented a paper at the Second Trilateral Symposium, Atlanta, March 1996

Presented a paper at an international conference organized by the University of Victoria, Vancouver, June 1996

Member of the Faculty, Asia-America Institute of Transnational Law of Duke University, Hong Kong, July 1996

Member, Research Group on WTO Dispute Settlement Cases, Fair Trade Center, 1996–2000

Member, Research Group on WTO Appeal Cases, Fair Trade Center, 1996–2000

Member, Research Group on Internationalization of Companies, Tokyo Marine Research Institute, 1997–2009

Visiting Fellow, Lauterpacht Centre for International Law, Cambridge, March 1997–October 1997

Presented a paper at the International Conference on the Future of United Nations Human Rights Treaty System, Cambridge, March 1997

Presented a paper at the 91st Annual Meeting of the American Society of International Law, Washington, D.C., April 1997

Academic advisor for Mr Chusei Yamada, the Japanese Member of the United Nations International Law Commission, during the 49th Session of the Commission, Geneva, May–July 1997

External examiner of an M.Phil. dissertation submitted to the University of Cambridge, September 1997

Presented a paper at the International Symposium in Commemoration of the Centennial of the Japanese Society of International Law, Kyoto, September 1997

Chairman, Ad Hoc Research Group on State Responsibility, Ministry of Foreign Affairs, 1997–1998

Member of the Executive Council, Japanese Society of International Law, 1997-2012

Member, Editorial Committee, Journal of International Law and Diplomacy, 1997-2000

Presented a paper at an annual meeting of the Japanese Society of International Human Rights Law, Tokyo, November 1997

Presented a paper at the WTO Regional Seminar on Dispute Settlement, Singapore, October 1998

Presented a paper at the International Dispute Resolution Conference, Hong Kong, November 1998

Presented a paper at the Tokyo Seminar on WTO Dispute Settlement and Japanese Business organized by the Ministry of Foreign Affairs, etc., Tokyo, February 1999

Presented a paper at AIPPI Forum 1999, Lyon, March 1999

Presented a paper at the Seikei University 50th Anniversary International Conference, Tokyo, March 1999

Head, Undergraduate Division, Department of International Relations, University of Tokyo, April 1999–March 2000

Presented a paper at an annual meeting of the Japan Branch of the International Law Association, Tokyo, July 1999

Presented a paper at an international conference organized by Columbia University, New York, July 1999

Chairman of the Research Group on Complaint Procedures for Trade Barriers, Fair Trade Center, 1999–2000

Chairman of the Research Group on WTO Dispute Settlement System, Ministry of Foreign Affairs, 1999–2000

Chairman of the Research Group on WTO Case Law, Ministry of Foreign Affairs, 2000–2002

Presented a paper at the Second Tokyo Conference on Japanese Business and Dispute Resolution in the World Trade Organization organized by the Japanese Ministry of Foreign Affairs, etc., Tokyo, March 2000

Visiting Fellow, Lauterpacht Centre for International Law, Cambridge, August 2000–August 2001

Participated in the Third Trilateral Symposium, Ottawa, and a co-editor of the Proceedings, October 2000

Presented a paper at Oxford University Faculty of Law, Oxford, March 2001

Presented a paper at a meeting of the British Branch of International Law Association, London, March 2001

Member, Committee on International Exchange, Japanese Society of International Law, 2001–2012

Presented a paper at the World Trade Forum on "Trade and Human Rights", Bern, August 2001

Director, Department of International Relations, University of Tokyo, 2002–2004

Acting Treasurer, Japanese Society of International Law, 2002–2003

Gave a lecture entitled "Domestic Application of International Law" at The Hague Academy of International Law, July 2002

Editor, "International Law Documents" published annually by Yuhikaku, 2002–present

Presented a paper at an annual meeting of the Japan Branch of the International Law Association, Tokyo, April 2003

Arbitrator, Japan Sports Arbitration Agency, 2003–present

Member of the Executive Council, Japanese Society of International Economic Law, 2003–present

Member of the Executive Council, Japanese Society of International Human Rights Law, 2003–present

Acting Director for International Programmes, Japanese Society of International Law, 2003–2012

Judge, Asian Development Bank Administrative Tribunal, Manila, 2004–2013

Presented a paper at an annual meeting of the Japan Association of International Economic Law, Tokyo, November 2004

Director of Planning, Japanese Association of International Economic Law, 2004–2006

Member of the Executive Council, Japan Branch of the International Law Association, 2006–present

Director of Planning, Japan Branch of the International Law Association, 2006-2016

Gave a keynote speech at 14th Australian New Zealand Society of International Law Conference, Wellington, June 2006

Member of the Executive Council, Japanese Branch of the International Law Association, 2006–present

Member, Government Procurement Review Board, Cabinet Office, 2008–2010

Chairperson, Human Rights Committee (ICCPR), 2009–2011

Lecturer, United Nations University, Joint Graduate Course (International Human Rights Law), November 2009

Vice-President, Asian Development Bank Administrative Tribunal, Manila, 2010-2013

Chairperson, Organizing Committee for the Third International Four Societies Conference held in Awaji (Kobe) in 2010

Gave a lecture on "The Diversity of International Obligations" for the United Nations Audiovisual Library of International Law, New York, September 2010

Member of the Executive Council, Japanese Society of World Law, 2011–present

Guest keynote speaker at the Annual Conference of the Australian New Zealand Society of International Law, Canberra, June 2011

Member, Science Council of Japan, 2011–present

Member, Discussion Group on Diplomacy for the Japanese Foreign Minister, 2012

Chairperson, Resettlement Expert Council of the Inter-Ministerial Meeting for Refugee Affairs, Cabinet Office, 2012–2014

Member of the Executive Council, Japanese Society of International Law, 2012-present

Director for International Programmes, Japanese Society of International Law, 2012-2014

Presented a paper at the Institut de droit international, Session of Tokyo, September 2013

Presented a paper at the Meeting of the Legal Advisers, New York, October 2013

Editor-in-Chief, "International Law Documents" published annually by Yuhikaku, 2014–present

Director of Research Planning, Japanese Society of International Law, 2014–2016

Presented a paper at the Annual Conference of the Australia New Zealand Society of International Law, Canberra, July 2014

Member, International Advisory Board, American Law Institute, Restatement on Foreign Relations Law, 2015–present

Associé, Institut de droit international, since 2015

Chercheur invité, Centre de recherche sur les droits de l'homme et le droit humanitaire, Université Panthéon Assas, Paris, 2015–2016

President, Japanese Society of International Law, 2016–present

Vice-Chair, International Law Association, London, 2016–present

Chairperson, Human Rights Committee (ICCPR), 2017–present

Residence outside Japan

Aug. 1977–Aug. 1978	Cambridge, MA, U.S.A. (LL.M. student at Harvard Law School)
Aug. 1984–Aug. 1986	Charlottesville, VA, U.S.A. (S.J.D. student at the University of Virginia School of Law)
Oct. 1991–Sep. 1993	Cambridge, U.K. (Visiting Fellow at the Research Centre for International Law, University of Cambridge)
Mar. 1997–Oct. 1997	Cambridge, U.K. (Visiting Fellow at Lauterpacht Research Centre for International Law, University of Cambridge)
Aug. 2000–Aug. 2001	Cambridge, U.K. (Visiting Fellow at Lauterpacht Research Centre for International Law, & Overseas Fellow at Churchill College, University of Cambridge)
Aug. 2015–Sep. 2016	Paris, France (Chercheur invité, Centre de recherche sur les droits de l'homme et le droit humanitaire, Université Panthéon Assas)

Languages

Japanese (first language); English (fluent); French (excellent); German (excellent); Chinese (reading)

Principal Publications

Japanese

A. Books

1. JŌYAKU NO KOKUNAI TEKIYŌ KANŌSEI: IWAYURU "SELF-EXECUTING" NA JŌYAKU NI KANSURU ICHI KŌSATSU [DOMESTIC APPLICABILITY OF TREATIES: WHAT ARE "SELF-EXECUTING" TREATIES?]. Pp. ix, 341+47 (Tokyo: Yuhikaku, 1985).

2. GAIKOKU KOKKA KOKUYŪ KIGYŌ TONO KOKUSAI TORIHIKI JŌNO MONDAITEN: KOKKA NO SAIBANKEN MENJO [THE PROBLEM IN INTERNATIONAL TRANSACTIONS WITH FOREIGN STATES AND STATE ENTERPRISES: JURISDICTIONAL IMMUNITY OF STATES]. Pp viii, 128 (Tokyo: Sogo Kenkyu Kaihatsu Kiko [National Institute for Research and Advancement], 1987).

3. HYŌJUN KOKUSAI HŌ [STANDARD INTERNATIONAL LAW]. Pp. 293-325 (Hajime Terasawa et al. eds., Tokyo: Seirin Shoin, 1989) (Co-authored).

4. 3 KOKUSAI HŌ SHIRYŌ SHŪ [MATERIALS ON INTERNATIONAL LAW]. Pp. 54–177 (Yasuaki Onuma ed., 4th ed. Tokyo: Toshindo, 1988) (Co-authored).

5. HYŌJUN KOKUSAI HŌ [STANDARD INTERNATIONAL LAW]. Pp. 288-316 (Hajime Terasawa et al. eds., New ed. Tokyo: Seirin Shoin, 1993) (Co-authored).

6. KEIZAI NO GURŌBARUKA TO HŌ [GLOBALIZATION OF ECONOMY AND LAW] Pp. 61–74, 210–224, 315–330 (Sogo Kaihatsu Kenkyu Kiko [National Institute for Research and Advancement] ed., Tokyo: Sanseido, 1994) (Co-authored).

7. WTO NO FUNSŌ SHORI [DISPUTE SETTLEMENT OF THE WTO]. Pp. xi, 351 (Tokyo: Sanseido, 1995) (2d imp., 1996) (3d imp., 1997).

8. KŌGI KOKUSAI HŌ [LECTURES ON INTERNATIONAL LAW]. Pp. xiv, 519 (Co-edited with Akira Kotera and Akio Morita, Tokyo: Yuhikaku, 2004).

9. KŌGI KOKUSAI HŌ [LECTURES ON INTERNATIONAL LAW]. Pp. xv, 568 (Co-edited with Akira Kotera and Akio Morita, 2d ed. Tokyo: Yuhikaku, 2010).

10. KOKUSAI JŌYAKU SHŪ [INTERNATIONAL LAW DOCUMENTS]. (Editor-in-Chief, published annually since 2016. Tokyo: Yuhikaku).

B. Articles

1. *Jōyaku no Kokunai Tekiyō Kanōsei Iwayuru "Self-Executing" na Jōyaku ni kansuru Ichi Kōsatsu [Domestic Applicability of Treaties What Are "Self-Executing" Treaties? (1) (6)*, 99 HOGAKU KYOKAI ZASSHI 1835–1891 (1982); 100 HOGAKU KYOKAI ZASSHI 133–186, 375–443, 556–625, 1951–2023 (1983); 101 HOGAKU KYOKAI ZASSHI 421–491 (1984).

2. *Hito oyobi Jinmin no Kenri ni kansuru Afurika Kenshō [The African Charter on Human and People's Rights]*, 30 HOGAKU ZASSHI 262-277 (1984).

3. *Gaikokujin no Shimon Ōnatsu Kyohi to Sainyūkoku: Morikawa Catherine Jiken [Refusal of Fingerprinting by Aliens and Their Reentry: The Catherine Morikawa Case]*, 887 JURISUTO 257–259 (1987).

4. *Gaikoku Kokka Kokuyū Kigyō tono Kokusai Torihiki jōno Mondaiten: Kokka no Saibanken Menjo [The Problem in International Transactions with Foreign States and State Enterprises: Jurisdictional Immunity of States]*, in TAKOKUSEKI KIGYŌ TO KOKUSAI TORIHIKI [MULTILATERAL CORPORATIONS AND INTERNATIONAL TRANSACTIONS] 271–380 (Sogo Kenkyu Kaihatsu Kiko [National Institute for Research and Advancement] ed., 1987).

5. *Amerika Saibansho ni okeru Kokusai Jinken Soshō no Tenkai: Sono Kokusai Hō jōno Igi to Mondaiten [International Human Rights Litigation before U.S. Courts] (1)–(2)*, 87 KOKUSAIHO GAIKO ZASSI 160–196, 461–502 (1988).

6. *GATTO ni okeru Funsō Shori [Dispute Settlement in the GATT]*, 2 NIRA SEISAKU KENKYU 12–15 (1989).

7. *GATTO ni okeru EC Buhin Danpingu Jiken [The EC Anticircumvention Regulation Case in the GATT]*, 4 NIRA SEISAKU KENKYU 22–27 (1991).

8. *Saibanken Menjo [Jurisdictional Immunity]*, in SHŌGAI HANREI HYAKUSEN [SELECTED CASES ON PRIVATE INTERNATIONAL LAW] 192–93 (Sueo Ikehara & Yoshiro Hayata eds., 3d ed. 1995) (co-authored with Shigeru Oda).

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10. *Gaikokujin no Jinken [Human Rights of Aliens]*, *in* KOKUSAI SHIHŌ NO SŌTEN [ISSUES IN PRIVATE INTERNATIONAL LAW] 36–37 (Junichi Akiba ed., 1996).

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Financing of the International Residual Mechanism for Criminal Tribunals

Revised budget proposal for the International Residual Mechanism for Criminal Tribunals for the biennium 2018–2019

Report of the Advisory Committee on Administrative and Budgetary Questions

I. Introduction

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General on a revised budget proposal for the International Residual Mechanism for Criminal Tribunals for the biennium 2018–2019 (A/72/813 and A/72/813/Corr.1).[1] During its consideration of the report, the Committee met with representatives of the Secretary-General, who provided additional information and clarification, concluding with written responses received on 4 May 2018.

2. The Advisory Committee recalls that the Secretary-General submitted an initial budget proposal for the International Residual Mechanism for Criminal Tribunals for the biennium 2018–2019 with resource requirements amounting to $215,438,800 (gross) (see A/72/396 and A/72/396/Corr.1). The Committee considered the report of the Secretary-General and recommended that the General Assembly: (a) authorize the Secretary-General to enter into a commitment not to exceed $43,898,300 (gross) for the maintenance of the Mechanism during the first six months of 2018; and (b) request the Secretary-General to present a revised budget proposal for the biennium 2018–2019 (see A/72/654).

3. By its resolution 72/258, the General Assembly endorsed the conclusions and recommendations contained in the report of the Advisory Committee, subject to the

[1] The title of the report of the Secretary-General is "Proposed revised budget for the International Residual Mechanism for Criminal Tribunals for the biennium 2018–2019" (see A/72/813/Corr.1). Since no budget has yet been approved for the Mechanism for 2018–2019, however, the Advisory Committee considers that the proper title of the report and the agenda item should be "Revised budget proposal for the International Residual Mechanism for Criminal Tribunals for the biennium 2018–2019".

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approval of a commitment authority in an amount not to exceed $87,796,600 (gross) for the maintenance of the Mechanism for the one-year period from 1 January to 31 December 2018. Subsequently, the Secretary-General prepared a revised budget proposal for the Mechanism for the biennium 2018–2019 with resource requirements amounting to $183,969,200 (gross) (see A/72/813 and A/72/813/Corr.1).

II. Mandate and planning assumptions

4. In his report, the Secretary-General indicates that by its resolution 1966 (2010), the Security Council decided to establish the Mechanism with two branches (one in Arusha and one in The Hague) and three principal officials (one President, one Prosecutor and one Registrar). The Mechanism is responsible for continuing the jurisdiction, rights and obligations and essential functions of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia, which were closed on 31 December 2015 and 31 December 2017, respectively (ibid., para. 1).

5. The Secretary-General also indicates that the judicial activities envisaged during the biennium 2018–2019 include the retrial of the *Stanišić and Simatović* case ordered by the International Tribunal for the Former Yugoslavia and appeals proceedings in three cases tried by that Tribunal (*Šešelj*, *Karadžić* and *Mladić*). The Mechanism also anticipates handling three contempt cases, while five cases from the International Criminal Tribunal for Rwanda (*Bucyibaruta*, *Munyeshyaka*, *Uwinkindi*, *Munyagishari* and *Ntaganzwa*) referred to two national jurisdictions will continue to be monitored (ibid., paras. 17 and 21).

6. In addition, the Secretary-General states that the Mechanism will also perform witness support and protection functions and assume jurisdiction over enforcement issues, including the authority to supervise the enforcement of sentences and to determine requests for pardons or commutation of sentences for convicted persons. Moreover, he indicates that the Mechanism will likely receive requests from national authorities for assistance with investigations, prosecutions and trials of individuals charged in relation to the armed conflicts in Rwanda and the former Yugoslavia. Furthermore, the Mechanism will manage the archives of the two former Tribunals. Finally, the Office of the Prosecutor will continue its efforts towards the apprehension of the remaining fugitives from the International Criminal Tribunal for Rwanda (ibid., para. 16).

7. In terms of structural implications, during the biennium 2018–2019 the Mechanism plans to: (a) complete the transition towards becoming a fully self-administered institution (ibid., para. 18); (b) close one of its two remaining field offices in the former Yugoslavia (ibid., para. 23); and (c) refocus the fugitives tracking team of the Office of the Prosecutor (ibid., para. 50).

8. The Secretary-General indicates that, since 1 January 2018, the Mechanism has been carrying out its operations without the assistance of its predecessor Tribunals, in particular with respect to administrative support services (ibid., para. 23). In the view of the Advisory Committee, this new situation provides an opportunity to review and clarify the administrative arrangements to serve the two branches of the Mechanism. The Committee considers that a clear definition of the functions performed in Arusha and The Hague would minimize possible duplication and allow for the development of cost-effective solutions, including through the provision of services in support of both branches from one location. **The Committee recommends that the General Assembly request the Secretary-General to review the administrative arrangements of the Mechanism to clearly define the role performed by each of its branches and provide information on this review in its**

next budget submission. Such information would help in the establishment of a baseline, reflecting the stabilization of the Mechanism's workload, and would form the basis of future budget proposals.

III. Requirements for the biennium 2018–2019

A. Overview

9. The resource requirements proposed for the Mechanism for the biennium 2018–2019 amount to $183,969,200 (gross before recosting), including the commitment authority of $87,796,600 (gross) authorized by the General Assembly for the first 12 months (see para. 3 above). The supplementary information made available to the Advisory Committee shows that as at 31 March 2018, total expenditure amounted to $21,201,070, or 24.1 per cent, of the approved ceiling (see annex I to the present report). In his report, the Secretary-General states that, after a detailed review of the resource requirements for 2018, including implementing a cost reduction plan, the Mechanism concluded that the approved commitment authority of $87,796,600 gross would not be sufficient to carry out the functions mandated by the Security Council, including trials and appeals, through the end of 2018, and that, on the basis of the funding gap and operational risks, a revised budget proposal needed to be submitted for the consideration of the Assembly at its seventy-second session, rather than in the second half of 2018 (ibid., summary).

10. The proposed requirements for the biennium 2018–2019 represent an increase of $52,003,100, or 39.4 per cent, compared with the appropriation for the biennium 2016–2017. Upon request, the Advisory Committee was provided with information comparing the appropriation and the expenditures for 2016–2017 with the proposed requirements for 2018–2019, which is reflected in annex III to the present report. The Committee notes that this increase is due primarily to the closure of the International Tribunal for the Former Yugoslavia and the absorption by the Mechanism of that Tribunal's residual activities. The Committee also notes that the resource increases are attributable mostly to other staff costs ($28,762,800), non-staff compensation ($5,470,000), general operating expenses ($5,037,000) and contractual services ($4,660,100).

11. The revised budget proposal for the biennium 2018–2019 represents a decrease of $31,469,600 (gross before recosting), or 14.6 per cent, compared with the original budget proposal for the same period. The proposed decrease reflects mostly reductions under the following objects of expenditure: other staff costs ($23,338,900), general operating expenses ($2,601,400), staff assessment ($1,023,800), furniture and equipment ($979,000), non-staff compensation ($951,700), contractual services ($871,100) and improvement of premises ($712,900). Upon request, the Advisory Committee was provided with information comparing the original and revised budget proposals, which is contained in annex II to the present report. **The Committee acknowledges the effort made by the Mechanism to reduce its request for resources for the biennium 2018–2019, following the recommendations of the Committee and the decision of the General Assembly. The Committee trusts that more accurate projections of the Mechanism's requirements to fulfil its mandate will be included in future submissions.**

12. The Advisory Committee recalls that, in its report on the initial budget proposal for the biennium 2018–2019, it considered that the proposed increase in non-post requirements needed further justification (see A/72/654, para. 20). **The Committee notes a number of areas in which the justifications provided in the revised budget proposal continue to be insufficient (see paras. 16–23 below). The Committee**

trusts that such information will be provided to the General Assembly at the time of its consideration of the revised budget proposal.

B. Post requirements

13. The proposed requirements for posts amount to $38,556,400, which represents an increase of $2,223,900, or 6.1 per cent, compared with the appropriation for the biennium 2016–2017 and would provide for 185 temporary posts (1 Under-Secretary-General, 1 Assistant Secretary-General, 6 P-5, 51 P-4/3, 13 P-2/1, 35 Field Service, 38 Security Service, 26 General Service (Other level) and 14 General Service (Local level)). The proposal includes the following changes:

(a) The establishment of eight temporary posts: one post of Registrar (Assistant Secretary-General) in Arusha to replace the previously existing post of Registrar in the International Tribunal for the Former Yugoslavia; one post of Auditor (P-4) for the Office of Internal Oversight Services to perform audits related to the Mechanism and the liquidation of the Tribunal; and six posts of Security Officer in Arusha to secure the new facility completed in December 2016 (see A/72/813 and A/72/813/Corr.1, para. 61 (d)–(f)). With respect to the latter request, the Advisory Committee was informed upon enquiry that, following the move to the new premises in December 2016, a staffing review had been conducted by the Security and Safety Service based in Arusha. As a result of the review, it had been concluded that, with the addition of two new service gates in the compound (as mandated by local emergency regulations), security coverage would be required 24 hours a day, 7 days a week. On the basis of the outcome of the review, the Mechanism was proposing the establishment of six new posts of Security Officer to augment the existing capacity of 32 posts of Security Officer;

(b) The reclassification of one post of Associate Legal Officer (P-2) in Arusha as a P-3 post to reflect more complex responsibilities (ibid., para. 61 (g);

(c) The redeployment of five temporary posts within the same duty stations (2 P-4, 1 P-3, 1 Field Service and 1 General Service (Local level)) (ibid., paras. 61 (b) and 75 (b)).

Vacancy rates

14. The Secretary-General proposes the application of the following vacancy rates: (a) 7.5 per cent for the Professional and higher categories and 1.3 per cent for the General Service and related categories for continuing posts in The Hague, and 8.1 per cent for the Professional and higher categories and 1.6 per cent for the General Service and related categories for continuing posts in Arusha; and (b) 50 per cent for the Professional and higher categories and 35 per cent for the General Service and related categories for new posts, as recommended by the Advisory Committee (see A/72/654, para. 19, and A/72/813 and A/72/813/Corr.1, para. 29).

15. **The Advisory Committee recommends that the General Assembly approve the Secretary-General's proposal for the post requirements of the Mechanism for the biennium 2018–2019.**

C. Non-post requirements

16. The proposed amount of $145,412,800 (gross) for non-post requirements of the Mechanism for the biennium 2018–2019 represents an increase of $49,779,200, or 52.1 per cent, compared with the appropriation for 2016–2017. The proposed increase reflects mostly increases under other staff costs ($28,762,800), non-staff

compensation ($5,470,000), general operating expenses ($5,037,000) and contractual services ($4,660,100). The proposed increases would be offset in part by reductions, mainly under grants and contributions ($2,010,000) and furniture and equipment ($1,518,000).

Other staff costs

17. The proposed amount of $73,460,200 for other staff costs, which represents an increase of $28,762,800, or 64.4 per cent, compared with the appropriation for the biennium 2016–2017, would provide for the salaries and common staff costs of general temporary assistance positions ($70,460,200) and after-service health insurance for the former staff members of the international tribunals for Rwanda and the Former Yugoslavia ($3,000,000). The resource increase reflects mostly a proposed increase in general temporary assistance positions, from 234 positions in December 2017, to 420 positions in 2018, to 346 positions in December 2019. Information provided to the Advisory Committee shows that the number of general temporary assistance positions would vary in the course of the biennium from 420 positions (14 P-5, 47 P-4, 68 P-3, 40 P-2, 26 Field Service, 9 General Service (Principal level), 130 General Service (Other level), 31 General Service (Local level) and 55 Security Service) as at 1 January 2018 to 346 positions as at 31 December 2019. Short descriptions of the functions of the proposed positions are also provided. **In the view of the Committee, the short descriptions of the general temporary assistance positions are not adequate. It trusts that full justifications will be included in the next budget submission**.

18. The Advisory Committee notes that the updated proposal under other staff costs reflects reduced requirements compared with the original proposal (420 positions, compared with the 448 proposed for 2018) and an increase compared with the approved resources for the International Tribunal for the Former Yugoslavia and the Mechanism for 2016–2017. **The Committee considers that the forecast number of general temporary assistance positions at the end of the biennium (346) does not constitute a baseline for future budget periods and encourages the Mechanism to further streamline its requirements under other staff costs with a view to fully justifying each of the proposed general temporary assistance positions in its next budget submission.**

19. **The Advisory Committee notes that the major part of the proposed increase under other staff costs is related to the Registry ($19,331,500). In the absence of full justification for each of the proposed general temporary positions for the Registry, the Committee recommends a reduction of $966,600 (or 5 per cent of the proposed increase of $19,331,500) to the proposed requirement for other staff costs during the biennium 2018–2019**.

Non-staff compensation

20. The proposed requirements of $10,793,200 under non-staff compensation, which represent an increase of $5,470,000, or 102.8 per cent, would provide for the salaries and allowances for judges ($4,237,400) and the payment of pension benefits for retired judges of the international tribunals for Rwanda and the Former Yugoslavia and their surviving spouses ($6,555,800). **During consideration of the original budget proposal, the Advisory Committee requested, but was not provided with, the number of days worked by the judges during the 2014–2015 and 2016–2017 bienniums. The Committee notes that this information was not included in the revised budget proposal. The Committee expects that information on the number of working days paid by the Mechanism in past periods will be included in the next budget submission (see A/72/654, para. 20 (d))**.

Consultants

21. The proposed requirements for consultancy, amounting to $39,800, represent a decrease of $62,000, or 60.9 per cent, compared with the appropriation for the biennium 2016–2017. The supplementary information indicates that the proposed requirement comprises: (a) a provision of $23,000 for a consultancy on the conditions of detention in relation to the Mechanism's mandated supervision and enforcement of sentences in Arusha; and (b) a provision of $16,800 for consultancy services in The Hague for promoting the understanding of the mandate and activities of the Mechanism among affected communities. Considering that the Mechanism has not yet completed its first year of activities as a stand-alone judicial entity, the Advisory Committee is of the view that it would be too early to promote the understanding of the Mechanism's mandate at this stage. **Consequently, the Committee recommends a reduction of $16,800 to the proposed requirement for consultants for the Mechanism in the biennium 2018–2019.**

Training for general temporary assistance positions

22. The budget proposal includes an amount of $72,600 under contractual services for the Office of the Prosecutor in the biennium 2018–2019, which represents an increase of $16,200 compared with the appropriation for 2016–2017. The supplementary information indicates that the increase reflects additional training needs resulting from the positions funded under general temporary assistance. Upon enquiry, the Advisory Committee was informed that the proposed training costs would cover: (a) appellate advocacy training held jointly with the International Criminal Court; (b) training on records management; and (c) the contribution of the Office of the Prosecutor to overall management and language training. **In the view of the Committee, the increased requirement for training in the Office of the Prosecutor is not fully justified. Therefore, the Committee recommends a reduction of $16,200 of the proposed requirement under contractual services in 2018–2019.**

Travel

23. The proposed requirements for travel of staff amounting to $2,910,200 represent an increase of $567,600, or 24.2 per cent, compared with the appropriation for the biennium 2016–2017. The requirements would provide for the travel of staff serving in the Office of the Prosecutor ($591,000), the Registry ($2,264,600) and records management and archives ($54,600). **The Advisory Committee requested, but was not provided with, detailed information on the proposed increase in the requirement for the travel of staff of the Registry compared with the appropriation for 2016–2017. In the absence of such information, the Committee recommends a reduction of $113,500 (or 20 per cent of the proposed increase of $567,600) to the proposed requirements for travel of staff of the Mechanism in the biennium 2018–2019.**

Improvement of premises

24. The proposed requirements of $351,200 for the improvement of premises in Arusha represent an increase of $299,200 compared with the appropriation for the biennium 2016–2017. The supplementary information indicates that such provision would cover a number of enhancements to the security of the premises, including a pedestrian gate and vehicle control systems. Considering that the new purpose-built facility of the Mechanism in Arusha was completed in December 2016 at a total approved amount of $8,787,733 (see A/71/753, para. 74), the Advisory Committee questions the rationale for making enhancements to the recently completed building.

The Committee considers that these enhancements should have been included in the resource requirements for the construction project (see A/72/654, para. 20 (e)). Therefore, the Committee recommends a reduction of $149,600 (or 50 per cent of the proposed increase of $299,200) to the proposed requirement for the improvement of the Mechanism's premises in 2018–2019.

25. **Subject to its recommendations in paragraphs 19, 21, 22, 23 and 24 above, the Advisory Committee recommends that the General Assembly approve the proposal of the Secretary-General for the non-post requirements of the Mechanism for the biennium 2018–2019.**

D. Other matters

Recosting

26. The Secretary-General indicates that an amount of $13,389,100 (gross) for recosting should be added to the total requirements of $183,969,200 to obtain the estimate for the Mechanism for the biennium 2018–2019 totalling $197,358,300. Upon enquiry, the Advisory Committee was informed that the revised budget proposal had been recosted in line with the standard methodology. Therefore, the applicable rates used for the preparation of the revised budget proposal were for December 2017. In accordance with resolution 69/274 A, forward exchange rates have been used for this recosting for currencies for which an active forward rate exists. For the Tanzanian shilling, the latest operational rate was used. Adjustments made to the vacancy rates take into account recommended rates for new posts as contained in the report of the Committee (see A/72/654, para. 19), as well as updated vacancy rates for continuing posts, based on average realized vacancy rates. According to the information provided to the Committee, the recosting reflects: (a) the depreciation of the United States dollar against the euro, offset in part by the strengthening of the United States dollar against the Tanzanian shilling; and (b) adjustments for inflation, post adjustment multipliers and vacancy rates.

IV. Conclusion

27. **The Advisory Committee recommends that the General Assembly approve the proposal of the Secretary-General for the resource requirements for the biennium 2018–2019 for the International Residual Mechanism for Criminal Tribunals, subject to the comments and recommendations above.**

Annex I

Status of expenditures against commitment authority by component as at 31 March 2018*

Functional area component	*Budget class*	*Commitment authority (1)*	*Commitment (2)*	*Actual (3)*	*Total committed (4) = (2) + (3)*	*Implementation rate (5) = (4)/(1)*	*Available balance (6) = (1)-(4)*
Chambers	Non-staff compensation	2 822 700	340 339	236 046	576 385	20.4%	2 246 315
	Travel of representatives	187 800	–	–	–	–	187 800
Total		**3 010 500**	**340 339**	**236 046**	**576 385**	**19.1%**	**2 434 115**
Office of the Prosecutor	Posts	2 933 000	2 404	656 074	658 478	22.5%	2 274 522
	Other staff costs	7 103 000	1 892	2 088 508	2 090 399	29.4%	5 012 601
	Consultants/experts	53 900	34 199	5 152	39 351	73.0%	14 549
	Travel of staff	383 300	9 684	42 310	51 994	13.6%	331 306
	Contractual services	47 500	–	–	–	–	47 500
	General operating expenses	195 600	1 500	424	1 924	1.0%	193 676
	Furniture and equipment	–	–	373	373	0.0%	(373)
	Staff assessment	1 420 700	–	–	–	–	1 420 700
Total		**12 137 000**	**49 679**	**2 792 840**	**2 842 519**	**23.4%**	**9 294 481**
Registry	Posts	13 961 600	6 530	2 745 849	2 752 379	19.7%	11 209 221
	Other staff costs	26 532 600	12 878	7 803 816	7 816 694	29.5%	18 715 906
	Hospitality	12 800	–	–	–	–	12 800
	Consultants/experts	124 100	27 742	69 956	97 698	78.7%	26 402
	Travel of staff	1 175 100	26 243	84 534	110 777	9.4%	1 064 323
	Contractual services	5 539 500	675 313	532 736	1 208 049	21.8%	4 331 451
	General operating expenses	8 764 700	940 432	2 741 637	3 682 068	42.0%	5 082 632
	Supplies and materials	572 400	18 360	9 841	28 201	4.9%	544 199
	Furniture and equipment	1 581 400	73 714	8 842	82 556	5.2%	1 498 844
	Improvement of premises	181 200	3 704	–	3 704	2.0%	177 496
	Grants and contributions	790 300	16 209	24 359	40 568	5.1%	749 732
	Staff assessment	5 963 700	–	–	–	–	5 963 700
Total		**65 199 400**	**1 801 124**	**14 021 570**	**15 822 694**	**24.3%**	**49 376 706**

* Total committed excludes actual staff assessment amounts, as the charges had not been reflected in Umoja at the time of reporting.

Functional area component	Budget class	Commitment authority (1)	Commitment (2)	Actual (3)	Total committed (4)=(2)+(3)	Implementation rate (5)=(4)/(1)	Available balance (6)=(1)-(4)
Records and archives	Posts	2 469 800	–	667 174	667 174	27.0%	1 802 626
	Other staff costs	566 200	–	302	302	0.1%	565 898
	Consultants/experts	3 800	–	–	–	–	3 800
	Travel of staff	55 100	–	–	–	–	55 100
	Contractual services	112 100	6 259	64 042	70 301	62.7%	41 799
	General operating expenses	106 300	–	5 887	5 887	5.5%	100 413
	Supplies and materials	61 800	–	–	–	–	61 800
	Furniture and equipment	313 700	12 080	–	12 080	3.9%	301 620
	Improvement of premises	98 000	–	–	–	–	98 000
	Staff assessment	418 800	–	–	–	–	418 800
Total		**4 205 600**	**18 339**	**737 405**	**755 744**	**18.0%**	**3 449 856**
After-service health insurance and pension	Other staff costs	2 280 000	–	436 344	436 344	19.1%	1 843 656
	Non-staff compensation	964 100	–	767 384	767 384	79.6%	196 716
Total		**3 244 100**	–	**1 203 728**	**1 203 728**	**37.1%**	**2 040 372**
Grand total		**87 796 600**	**2 209 482**	**18 991 588**	**21 201 070**	**24.1%**	**66 595 530**

Annex II

Comparison between the revised budget proposal* and the initial proposed budget** for the biennium 2018–2019

(Thousands of United States dollars)

	Initial 2018–2019 proposed budget (1)			*Revised 2018–2019 budget proposal (2)*			*Variance (amounts) (3)=(2)-(1)*			*Variance (percentage change)*		
Object of expenditure	*Total before recosting*	*Total recosting (A/72/396 and A/72/396/Corr.1 plus A/72/643)*	*2018–2019 estimate after recosting*	*Total before recosting*	*Recosting*	*2018–2019 estimate after recosting*	*Total before recosting*	*Recosting*	*2018–2019 estimate after recosting*	*Total before recosting*	*Recosting*	*2018–2019 estimate after recosting*
Posts	38 757.1	1 653.9	40 411.0	38 556.4	661.8	39 218.2	(200.7)	(992.1)	(1 192.8)	(0.5)	(60.0)	(3.0)
Other staff costs	96 799.1	8 867.1	105 666.2	73 460.2	6 839.8	80 300.0	(23 338.9)	(2 027.3)	(25 366.2)	(24.1)	(22.9)	(24.0)
Non-staff compensation	11 744.9	1 057.0	12 801.9	10 793.2	756.0	11 549.2	(951.7)	(301.0)	(1 252.7)	(8.1)	(28.5)	(9.8)
Consultants	105.1	7.5	112.6	39.8	3.0	42.8	(65.3)	(4.5)	(69.8)	(62.1)	(60.0)	(62.0)
Experts	249.0	14.8	263.8	270.1	17.3	287.4	21.1	2.5	23.6	8.5	16.9	8.9
Travel of representatives	414.3	19.2	433.5	393.3	18.4	411.7	(21.0)	(0.8)	(21.8)	(5.1)	(4.2)	(5.0)
Travel of staff	3 449.1	160.5	3 609.6	2 910.2	135.6	3 045.8	(538.9)	(24.9)	(563.8)	(15.6)	(15.5)	(15.6)
Contractual services	14 375.1	1 321.8	15 696.9	13 504.0	1 297.8	14 801.8	(871.1)	(24.0)	(895.1)	(6.1)	(1.8)	(5.7)
General operating expenses	21 884.4	1 968.1	23 852.5	19 283.0	1 751.4	21 034.4	(2 601.4)	(216.7)	(2 818.1)	(11.9)	(11.0)	(11.8)
Hospitality	20.0	1.6	21.6	19.9	1.6	21.5	(0.1)	0.0	(0.1)	(0.5)	0.0	(0.5)
Supplies and materials	1 421.8	100.1	1 521.9	1 235.9	87.1	1 323.0	(185.9)	(13.0)	(198.9)	(13.1)	(13.0)	(13.1)
Furniture and equipment	3 546.0	281.1	3 827.1	2 567.0	196.0	2 763.0	(979.0)	(85.1)	(1 064.1)	(27.6)	(30.3)	(27.8)
Improvement of premises	1 064.1	83.0	1 147.1	351.2	18.7	369.9	(712.9)	(64.3)	(777.2)	(67.0)	(77.5)	(67.8)
Grants and contributions	990.2	32.3	1 022.5	990.2	32.3	1 022.5	–	–	–	–	–	–
Staff assessment	20 618.6	1 736.4	22 355.0	19 594.8	1 572.3	21 167.1	(1 023.8)	(164.1)	(1 187.9)	(5.0)	(9.5)	(5.3)
Total requirements (gross)	**215 438.8**	**17 304.4**	**232 743.2**	**183 969.2**	**13 389.1**	**197 358.3**	**(31 469.6)**	**(3 915.3)**	**(35 384.9)**	**(14.6)**	**(22.6)**	**(15.2)**

* A/72/813 and A/72/813/Corr.1.

** A/72/396 and A/72/396/Corr.1.

Annex III

Requirements by object of expenditure (assessed budget)

(Thousands of United States dollars)

Object of expenditure	*2016-2017 expenditure*	*2016-2017 final appropriation*	*Resource growth*		*Total before recosting*	*Recosting*	*2018-2019 estimate*
			Amount	*Percentage*			
Posts	36 021.0	36 332.5	2 223.9	6.1	38 556.4	661.8	39 218.2
Other staff costs	43 905.0	44 697.4	28 762.8	64.4	73 460.2	6 839.8	80 300.0
Non-staff compensation	4 759.0	5 323.2	5 470.0	102.8	10 793.2	756.0	11 549.2
Consultants	314.0	101.8	(62.0)	(60.9)	39.8	3.0	42.8
Experts	110.0	139.6	130.5	93.5	270.1	17.3	287.4
Travel of representatives	297.0	251.9	141.4	56.1	393.3	18.4	411.7
Travel of staff	2 473.0	2 342.6	567.6	24.2	2 910.2	135.6	3 045.8
Contractual services	8 323.0	8 843.9	4 660.1	52.7	13 504.0	1 297.8	14 801.8
General operating expenses	12 273.0	14 246.0	5 037.0	35.4	19 283.0	1 751.4	21 034.4
Hospitality	30.0	30.6	(10.7)	(35.0)	19.9	1.6	21.5
Supplies and materials	711.0	1 138.0	97.9	8.6	1 235.9	87.1	1 323.0
Furniture and equipment	3 375.0	4 085.0	(1 518.0)	(37.2)	2 567.0	196.0	2 763.0
Improvement of premises	197.0	52.0	299.2	575.4	351.2	18.7	369.9
Grants and contributions	3 161.0	3 000.2	(2 010.0)	(67.0)	990.2	32.3	1 022.5
Staff assessment	12 370.0	11 381.4	8 213.4	72.2	19 594.8	1 572.3	21 167.1
Total requirements (gross)	**128 318.0**	**131 966.1**	**52 003.1**	**39.4**	**183 969.2**	**13 389.1**	**197 358.3**
Income							
Income from staff assessment	12 370.0	11 381.4	8 213.4	72.2	19 594.8	1 572.3	21 167.1
Total requirements (net)	**115 948.0**	**120 584.7**	**43 789.7**	**36.3**	**164 374.4**	**11 816.8**	**176 191.2**